

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

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A Professional Corporation

Los Angeles, California 90071

Facsimile: 213.629.4520

☐ *Individual appearing without attorney*

☒ *Attorney for:* Elissa D. Miller, Chapter 7 Trustee

In re:

CASE NO.: 2:20-bk-12202-RK

CHAPTER: 7

{ARTWORK}

Debtor.

Sale Date: August 11, 2020

Time: 2:30 p.m.

Location: Courtroom 1675

United States Bankruptcy Court, Roybal Federal Building, 255 East Temple Street, Los Angeles, CA 90012

Last date to file objections: July 28, 2020

All artwork identified in Debtor's Amended Schedule A/B filed May 14, 2020 [Docket No. 23], with the exception of one or two small pieces which cannot currently be located by the

Description of property to be sold: Debtor, with little apparent value based on the Trustee's research (the "Artwork").

Terms and conditions of sale: The Buyer has offered to purchase the Bankruptcy Estate's interest in the Artwork for \$53,515 ("Purchase Price"), all of which has been tendered.

The Trustee seeks to sell the Artwork to Mr. Daniel Herleth for \$53,515, or any person or entity who appears at the hearing on the motion and submits a higher acceptable bid in accordance with the Trustee's proposed overbid procedures.

The Trustee seeks an order approving the Sale free and clear of all liens, claims, and interests, with said liens, claims, and interests to attach to the Sale proceeds in the same manner and priority as under applicable law.

Proposed sale price: \$53,515.

Any party wishing to bid on the Artwork ("Overbidder") shall advise the Trustee of their intent to bid on the Artwork and the amount of their overbid (which must be at least \$1,000 more than the current selling price of \$53,515 ("Initial Overbid"), by no later than August 6, 2020 ("Overbid Deadline"), and any subsequent overbids will be in increments of \$1,000.

Any Overbidder shall provide the Trustee with a cashier's check, payable to "Elissa D. Miller, Chapter 7 Trustee of the Bankruptcy Estate of Richard Ochoa Telles" in the amount of \$54,515 ("Deposit"). The Deposit must be delivered so that it is received by the Trustee no later than the Overbid Deadline.

In the event of any Overbid, the deposit from the Buyer or successful Overbidder shall serve as the Deposit for the Buyer or any successful Overbidder, with a refund of such deposit to the party that is not the "Winning Bidder." Any Overbidder must provide the Trustee with evidence of the proposed Overbidder's financial ability to pay the full amount of the Overbid so that such evidence is received by the Trustee's counsel by no later than the Overbid Deadline.

All parties who have submitted timely bids and otherwise satisfied the foregoing requirements will be able to participate in an auction to be conducted at the hearing on the Motion as is necessary in order to increase their bid.

The Winning Bidder's Deposit shall be applied towards the total purchase price. The Winning Bidder must tender the balance of the total purchase price to the Trustee within ten (10) calendar days following entry of the order approving the sale of the Artwork to such buyer. To the extent the Winning Bidder fails to tender the balance of the purchase price by such date, that bidder's entire Deposit shall be non-refundable and forfeited to the Trustee. To the extent the Buyer or another Overbidder is not the Winning Bidder, that party's Deposit will be refunded by the Trustee.

Overbid procedure (if any):

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

August 11, 2020

2:30 p.m.

Courtroom 1675

Roybal Federal Building

255 East Temple Street

Los Angeles, CA 90012

Contact person for potential bidders (include name, address, telephone, fax and/or email address):

Steven F. Werth, Esq./SulmeyerKupetz, A Professional Corporation

Attorneys for Elissa D. Miller, Chapter 7 Trustee

333 South Grand Ave., Suite 3400

Los Angeles, CA 90071

Telephone: 213.626.2311; Facsimile: 213.629.4520

swerth@sulmeyerlaw.com

Date: July 17, 2020

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
333 South Grand Ave., Suite 3400, Los Angeles, California 90071

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY {ARTWORK}** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On July 17, 2020, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Howard M Ehrenberg (TR)
ehrenbergtrustee@sulmeyerlaw.com, ca25@ecfcbis.com;C123@ecfcbis.com;hehrenberg@ecf.inforuptcy.com

Elissa Miller (TR)
CA71@ecfcbis.com, MillerTrustee@Sulmeyerlaw.com;C124@ecfcbis.com;ccaldwell@sulmeyerlaw.com

John Rafferty on behalf of Creditor Toyota Motor Credit Corporation
john.rafferty@bonialpc.com

Daniela P Romero on behalf of Debtor Richard Ochoa Telles
dromerolawecf@gmail.com, igotnotices212@gmail.com

Aimee Scala on behalf of Creditor Ryan Sluggett
aimee@aimeescalalaw.com, ascala@occllp.com

Aimee Scala on behalf of Interested Party Courtesy NEF
aimee@aimeescalalaw.com, ascala@occllp.com

Aimee Scala on behalf of Plaintiff Ryan Sluggett
aimee@aimeescalalaw.com, ascala@occllp.com

United States Trustee (LA)
ustpregion16.la.ecf@usdoj.gov

Steven Werth on behalf of Trustee Elissa Miller (TR)
swerth@sulmeyerlaw.com, cblair@sulmeyerlaw.com;mviramontes@sulmeyerlaw.com;swerth@ecf.inforuptcy.com

2. SERVED BY UNITED STATES MAIL:

On (date) July 17, 2020, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Debtor
Richard Ochoa Telles
1626 Pleasant Way
Pasadena, CA 91105-2141

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (date) , I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

July 17, 2020

Date

Maria R. Viramontes

Printed Name

/s/Maria R. Viramontes

Signature